

IOWA BenchPress



Newsletter of the Iowa Judicial Branch

July-August 2001

Streit Appointed to Supreme Court

Last month, Governor Vilsack appointed Judge Michael Streit, a five-year veteran of the Iowa Court of Appeals, to the Iowa Supreme Court. Streit will replace Justice Bruce Snell who will retire on August 18.

"I'm honored and excited about the appointment," said Judge Streit. "While I will miss working closely with the talented judges and staff of the Court of Appeals, I am looking forward to the new challenges I'll have as a member of the Iowa Supreme Court."

When asked about the heavy administrative burden of the Supreme Court, Judge Streit said, "I hope to have a voice in administrative matters. I will try to help wherever the court needs me."

Chief Justice Louis Lavorato was enthusiastic about the Court's newest justice. "He's a hard worker, a progressive thinker, and gifted writer. In addition, Judge Streit's expertise in the field of technology will be a tremendous asset to the Court."

Judge Streit, who has served on the Judicial Technology committee for many years, is keenly interested in the implementation of electronic document management. "This technology will not only aid judges and reduce the flow of paper, it will remarkably improve public access to the third branch of government. Improved access will help make citizen's experience with the court system more satisfactory."

Judge Streit is the chair of the Supreme Court Advisory Education Committee, which plans the judges' conferences and the annual Iowa Judicial Institute. The committee is presently developing a plan for distance learning programs for all employee components.

Chief Justice Lavorato said, "In addition to being a fine judge, Judge Streit is an able public speaker and he welcomes opportunities to speak to public groups about the court system. He's addressed foreign visitors from all over the globe, meetings of Boys State, and many groups of school children, about the court system. I hope he'll continue to represent the judicial branch in this way."

Before joining the appeals court in 1996, Judge Streit served as a district court judge for the Fifth Judicial District of Iowa



Judge Michael Streit

for thirteen years. From 1975 to 1983, Streit worked in the private practice of law in Chariton, Iowa. During that time he served as assistant county attorney and, later, county attorney, for Lucas County.

Streit graduated from the University of Iowa in 1972. When asked about his degrees in economics and political science, Judge Streit said this training would assist him with both the opinion writing and administrative duties of the court. He received his law degree from the University of San Diego School of Law in 1975. He credited his law school experience at USD with his success in the courts, "My law school provided a rich blend of academic challenges and real-world experience."

Contents

Judge Cohen Appointed Chair .	3
Criminal Update	4
New Faces	6
Public Perception	8
Spotlight	10
Court Rule Changes	12
Adoptions Grant	16
Proposed Rules Amendments .	17

Diabetes—There's Nothing Sweet About It

by Tamara Barrett

According to Tommy G. Thompson, Health and Human Services Secretary, "More than 16 million Americans have diabetes, with some 800,000 new cases diagnosed each year." With so much information, I decided to focus on what diabetes mellitus is, the risk factors, symptoms, and control. This article is dedicated to all of those in my life who have diabetes. Most especially I would like to dedicate this article to two of my high school classmates who died from this disease recently.

What is it? First, we need to explain the function of insulin in the body. It is a hormone that regulates levels of glucose (the body's main energy source) in the blood. After you eat, glucose is absorbed into the bloodstream, but is not able to enter the "beta" cells without insulin. The insulin controls the amount of glucose in the bloodstream to prevent it from getting to dangerous levels. When blood sugar drops, so does secretion of insulin from the pancreas. The excess is sent to the liver for storage as glycogen. If your blood sugar gets low, the liver converts glucose for release into the bloodstream. *Type 1* diabetes comes about when the pancreas manufactures little or no insulin. This group represents 5 to 10 percent of the diabetic population. It is an autoimmune disease. The immune system attacks the pancreas and destroys the beta cells that produce insulin. *Type 2* affects 90 to 95 percent of diabetics

over age 20. This type occurs when the pancreas produces some (but not enough) insulin or cells form a resistance. A rare inherited form of type 2 (*Maturity-onset diabetes of youth*) usually affects teenagers. *Gestational diabetes* usually develops during the second or third trimester and affects between 2 and 5 percent of pregnant women. It is brought about when the placenta produces hormones that interfere with the body's insulin. While the diabetes goes away upon delivery, about 50 percent of women who had it develop type 2 diabetes later in life, and in rare situations, type 1. A buildup of glucose in the blood could damage every major organ in the body, which means that it can be fatal. There are approximately 200,000 diabetes-related deaths in the United States every year.

Risk factors and prevention: That familiar cause—*family history*, whether you had a parent or sibling with a disease, haunts us. Being *overweight* is a significant factor (8 of 10 diabetics are overweight). Your cells become more resistant to your own insulin when you have more fatty tissue. It's not just the weight itself but its distribution. You are especially at risk if you are apple shaped, *i.e.*, your extra weight is in the upper body, especially around the abdomen. Even a small weight loss is beneficial to your glucose

levels. High glucose levels have been shown to play a role in the development of hardening of the arteries, thus the significant connection between diabetes and heart



attack and stroke. "If you have diabetes, you have the same high risk of having a heart attack as someone who has already had their first attack." Dr. Charles Clark, National

Continued on page 14

Correction:

The May-June 2001 photo of the collective bargaining signing contained a misidentification. Vicki Martin from 8th District, Local 3019, was incorrectly identified as Donna McElwee.

The *Iowa Bench Press* is published bimonthly by the State Court Administrator's Office to keep court personnel informed about court policy, projects, programs, and activities. Articles express the views of the authors or the editor and not necessarily those of the Iowa Judicial Branch.

The *Iowa Bench Press* welcomes your ideas, articles and criticisms. All rights are reserved to edit or reject any materials submitted for publication. Please direct your inquiries and news suggestions to:

Iowa Bench Press
State Court
Administrator's Office
State Capitol Building
Des Moines, IA 50319
Fax: (515) 242-0014

Editor: Rebecca Colton
Assoc. Editor: Brent Hinson
V. P. Production: Cheryl Thraikill
Production Associate: Sandy Turner, Julie Cosner.
Contributors: Ann Brenden, Gail Barber, Tamara Barrett, Jessica Coppola.

Visit the Iowa Judicial Branch web site at:
www.judicial.state.ia.us

Judge Cohen Leads National Permanency Planning Group



Judge Constance Cohen, Associate Juvenile Judge of the Fifth Judicial District, was recently appointed to chair the Permanency Planning Committee of the National Council of Juvenile and Family Court Judges. The Committee oversees the Permanency Planning for Children Division (PPCD) of the National Council, which is staffed by sixteen full-time professionals and support staff. The Division's mission is to improve practice in child abuse and neglect cases through nationwide training and technical assistance. It plays an essential role in helping judges initiate court and system change to make sure child abuse and neglect cases are handled safely and expeditiously.

Judge Cohen will strive to continue the work of the PPCD and her predecessors. "The National Council of Juvenile and Family Court Judges' PPCD is truly on the 'cutting edge' when it comes to best practices in Juvenile Court," she said. "I am honored to have the opportunity to guide this important committee."

PPCD's efforts are currently focused in several areas. The nationally recognized Child Victims Model Courts Project, funded by the OJJDP, seeks to improve court process of Child in Need of Assistance cases by producing replicable innovations in Model Courts. Polk County Juvenile Court was designated as one of twenty-three Model Courts in 2000. Model Court systems change efforts are based on the 1995 national primer in permanency planning: the Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases, which provided the blueprint for the Adoptions and Safe Families Act of 1997. The Iowa Court Improvement Project has purchased a copy for each county seat law library. A sequel to this publication, Adoption and Permanency Guidelines, is now available. It focuses on expediting complex termination of parental rights cases and timely

movement of children out of foster care into adoptive placements.

Judge Cohen served on the Publication Development Committee for this comprehensive resource.

Other areas of emphasis are the Permanent Families Project, the Research and Technical Assistance Resource Division, and the Permanency Partnership Forum. These initiatives resulted in training and technical assistance to state Court Improvement Projects in all fifty states as well as 128 training programs in the calendar year 2000 that reached over 40,200 judges, court personnel, attorneys and advocates. PPCD is funding the participation of the Honorable Richard Fitzgerald, a nationally applauded presenter, at our Iowa Juvenile Court Conference September 19-21.

When asked about the plans and projects underway, Judge Cohen stated, "As chair of the Permanency Planning Committee, with the unparalleled expertise of Director Mary Mentaberry and her staff, we will continue to address issues involving Adoptions and Safe Families Act, and the Indian Child Welfare Act. We anticipate the publication of another standard-setting resource later this year, a bench book on the Interstate Compact on the Placement of Children, the draft of which was adopted at our meeting last month. Other areas of concentration will include expediting appeals and infant mental health. It is truly a privilege to be a part of this outstanding committee. What I have learned from my colleagues and the National Council staff and trainings, is of immeasurable value to the stakeholders of Juvenile Court and the families we serve."

(To learn more about PPCD, log on to their website at www.pppncjfcj.org.)

Recent Iowa Criminal Decisions

By Ann E. Brenden



Ann Brenden, Assistant Attorney General, is the Editor of the *Iowa Criminal Law Handbook* (2d ed. 1994). Ann's synopses of the cases are also contained on the Iowa County Attorney Association's web site. They can be searched both chronologically and by subject at www.iowa-icaa.com

July 2001

F.K., v. Iowa District Court for Polk County, ___ N.W.2d ___ (Sup. Ct. No. 99-0095) (Iowa 7/5/2001). [1] *Search and seizure — constitutional implication of seizure pursuant to emergency temporary order*. Mother of child who was seized on the basis of facts given without oath or affirmation, pursuant to statute authorizing emergency temporary removal order, was not the proper party to claim a Fourth Amendment violation. Mother had no legitimate expectation of privacy as she was not personally subjected to search or seizure, and she was not acting as child's representative in suit. [2] *Due process — temporary removal procedures*. Pre- and post-removal procedures contained in Iowa juvenile code provided sufficient safeguards to satisfy federal and state due process requirements.

State v. Beach, ___ N.W.2d ___ (Sup. Ct. No. 00-0904) (Iowa 7/5/2001). OWI 3rd — sentencing option gone. When court sentences OWI 3rd offender to community-based correctional program, and program is full, court does not have the option of directing that "in the discretion of the Department the Defendant's custody may be transferred . . . to the Iowa Medical and Classification Center . . ." The statute prior to 1996 allowed this option but it was changed; the applicable amended statute "eliminated . . . the option of granting the district director the election to transfer the offender to Oakdale." Iowa Code section 904.513(1) (1999).

State v. Bousman, ___ N.W.2d ___ (Sup. Ct. No. 99-1548) (Iowa 7/5/2001). Nontestimonial identification: failure to set forth facts bearing on informant's reliability as statutorily required. Court's order for nontestimonial identification (swabbing defendant's mouth to obtain DNA sample) was not supported by "reasonable grounds to suspect" that defendant had

committed a felony as required by Iowa Code section 810.6(2) and the Fourth Amendment. The Fourth Amendment is not offended by application of this, rather than "probable cause" standard, given the nature of the detention. However, "reasonable grounds to suspect" standard was not met absent statutorily-required disclosure of facts bearing on the informant's credibility. Iowa Code section 810.5(4) (2001). The informant's information should not have been considered, and without that information (the only source connecting defendant to the subject burglary) there was not a sufficient basis for issuing the order, either statutorily or constitutionally.

State v. Brooks, ___ N.W.2d ___ (Sup. Ct. No. 99-1834) (Iowa 7/5/2001). [1] *Appeal to district court of simple misdemeanor conviction — delay does not warrant dismissal*. Undue delay by the district court in deciding an appeal from simple misdemeanor convictions pursuant to Iowa R. Cr. P. 54 does not authorize dismissal of convictions not shown to have been improperly adjudicated on the merits. [2] *Appeal of appearance bond — jurisdiction stays with original court*. General rule that trial court loses jurisdiction upon perfection of an appeal does not deprive court of jurisdiction over collateral disputes between the parties. (Court could have proceeded to trial even though defendant was appealing appearance bond).

State v. Hager, ___ N.W.2d ___ (Sup. Ct. No. 99-1251) (Iowa 7/5/2001). Rejection of plea agreement as tendered after court-imposed deadline. The district court's refusal to entertain a plea agreement based solely on the court's policy of refusing pleas on the morning of trial constitutes an abuse of discretion. "Like the use of a fixed policy in sentencing, a fixed plea deadline is the very antithesis of discretionary decision-making." The trial court's good cause exception to the deadline was not broad enough to



accommodate a simple change of mind or renegotiation of terms so as to be fixed for litigants like this defendant (who changed her mind). “A missed plea deadline, alone, will not support the refusal to accept a plea agreement.” Additional reasons supporting refusal might include: (1) terms of the plea bargain, (2) proper disposition of the case, (3) any underlying impunity by defendant toward efforts by court to control its docket through deadlines.

State v. Iowa District Court for Johnson County, ___ N.W.2d ___ (Sup. Ct. No. 99-1836) (Iowa 7/5/2001). *[1] Consideration of PBT result in sentencing.* Trial court erred in basing deferred judgment partially on the results of defendant’s preliminary breath test, in contravention of § 321J.5(2). *[2] OWI — deferred judgment eligibility determined by “dropping” the third digit of a .153 test.* “The district court does not have authority to drop the third digit of an intoxilyzer reading for any reason.” Defendant’s test result of .153 was “greater than .15 in all respects” so as to deny him from eligibility for deferred judgment. Iowa Code § 321J.2(3)(a)(1). No denial of due process is worked by such an application.

State v. Iowa District Court for Monroe County, ___ N.W.2d ___ (Iowa 7/5/2001) (Sup. Ct. No. 00-271) (Iowa 7/5/2001). Section 901.10(1), authorizing mitigation of certain sentences for first-time offenders, applies only to mandatory minimum, not original sentence. Statutory provision allowing the court to “sentence the person to a term less than provided by the statute. . . . [.]” under certain circumstances for first-time drug offenders, applies to the applicable mandatory minimum sentence referenced in that section (901.10(1)) and not to the maximum indeterminate sentence applicable to the underlying offense. Accordingly, the district court exceeded its authority by sentencing the defendant to a term less than the 25-year indeterminate period required by section 902.9(1) for a class “B” felony drug offense.

State v. Johnson, ___ N.W.2d ___ (Sup. Ct. No. 00-0487) (Iowa 7/5/2001). Section 901.10(2) mandatory minimum sentence reductions for amphetamine or methamphetamine offenses — court not bound by prosecution’s recommended mitigation request. Person whose sentence involves methamphetamine or amphetamine offenses can have mandatory minimum sentence reduced by 1/3rd for pleading guilty. Iowa Code § 901.10(2). In addition, if defendant cooperates in prosecution of other persons and prosecutor recommends additional reduction, court may grant further reduction of up to one-half of the remaining mandatory minimum sentence. The latter provision does not mean that the court can only reduce the remaining amount by the percentage recommended by the prosecution. The court has discretion to determine the length of additional reduction of sentence.

State v. Keene, ___ N.W.2d ___ (Sup. Ct. No. 00-0643) (Iowa 7/5/2001). *[1] Criminal transmission of HIV statute not unconstitutionally vague as applied.* A person violates section 709C.1 by engaging in intimate contact with another person while knowing he is HIV positive. “Intimate contact” means “the intentional exposure of the body of one person to a bodily fluid of another person in a manner that could result in the transmission of the [HIV].” “Could result” is not unconstitutionally vague: “It must simply be shown that transmission of the HIV from the infected person to the exposed person was possible considering the circumstances any reasonably intelligent person is aware it is possible to transmit HIV during sexual intercourse, especially when it is unprotected.” *[2] Preservation of error — guilty pleas — no more exception for “unconstitutionally vague as applied” statutory claims.* Defendant’s failure to file a motion in arrest of judgment to challenge his guilty plea is not excused when the issue is that the applicable criminal statute was unconstitutionally vague. To the extent that such an excep-

tion was previously recognized by the court, it does not apply to any guilty pleas accepted after *State v. Robinson*, 618 N.W.2d 306 (Iowa 2000).

State v. Keene, ___ N.W.2d ___ (Sup. Ct. No. 00-0642) (Iowa 7/5/2001). Guilty pleas — dissemination of obscene materials to a minor — court not required to make independent review of material claimed to be obscene. Factual basis was made out regarding the obscene nature of the video serving as the basis for defendant’s plea, without the court personally reviewing it, based on the minutes of testimony which referred to several witnesses describing the portrayal of sex acts in the subject video. Defendant acknowledged that he had read the minutes and that the State could prove beyond a reasonable doubt the charge at issue.

Tindell v. State, ___ N.W.2d ___ (Sup. Ct. No. 00-0118) (Iowa 7/5/2001). Guilty plea — failure to preserve error. Defendant whose attempt at giving a Rule 9 plea was withdrawn after being rejected by the first judge, but who was later sentenced in accord with the provisions of the agreement (without repeating the plea) by a second judge the same day, failed to preserve error. Challenging the proceeding for the first time on postconviction relief several years later when probation was revoked, defendant was held to have waived his claim. Illegal sentences can be corrected at any time, but defendant’s claim amounted to one of procedural error do so as to be governed by normal error preservation rules.

State v. Turner, ___ N.W.2d ___ (Sup. Ct. No. 99-1247) (Iowa 7/5/2001). *[1] Miranda — custody.* Defendant’s custodial status (being handcuffed upon

Continued on page 7

New Faces

Supreme Court: **Laura Kozin**, *Des Moines*, Administrative Secretary; **Kristi Traynor**, *Des Moines*, **Diane Puthoff**, *Des Moines*, Law Clerks.

Court of Appeals: **Kyle Murray**, *Des Moines*, **Molly Hogan**, *Des Moines*, **Christine Cownie**, *Des Moines*, Law Clerks.

District 3: **Roseanne Lienhard**, *Sioux City*, Law Clerk.

District 5: **Jodi Heims**, *Des Moines*, **Cynthia Richey**, *Des Moines*, **Brenda Heilskov**, *Des Moines*, Judicial Clerks; **Mark King**, *Des Moines*, **Michael DeWaay**, *Des Moines*, **Matthew Piersall**, *Des Moines*, **Michael Safris**, *Adel*, Law Clerks; **Elisabeth Reynoldson**, *Osceola*, **Mary Ellen Perkins**, *Panora*, **Michael Moss**, *Lenox*, Magistrates; **Carol Coppola**, *Des Moines*, **William Price**, *Des Moines*, District Associate Judges.

District 6: **Derek Johnson**, *Cedar Rapids*, Law Clerk; **Connie Rohach**, *Toledo*, Judicial Clerk.

District 7: **Erica Daehm**, *Davenport*, **Lisa Taylor**, *Davenport*, Law Clerks.

District 8: **Roger Huddle**, *Wapello*, Magistrate.

Milestones: Service Anniversaries

25 Years

Bruce Buttel, Juvenile Court Officer, *Appanoose County*.

Meredith Mehaffy, Judicial Clerk, *Henry County*.

Steve Buschbom, Juvenile Court Officer, *Fayette County*.

Linda DeHoet, Juvenile Court Officer, *Black Hawk County*.

30 Years

John Wauters, Chief Juvenile Court Officer, *Des Moines County*.

Blomgren Named Chief Judge of Eighth District

Chief Justice Lavorato recently appointed District Court Judge James Blomgren of Oskaloosa as Chief Judge of the Eighth Judicial District. Judge Blomgren replaces Judge David Hendrickson who retired on August 2.

“Obviously it’s a significant honor to be selected by the Chief Justice and the Supreme Court as chief judge,” said Judge Blomgren. “I am also grateful for the kind words of support received from the other judges in the district.”

When asked about the challenges he’ll face as chief judge, Judge Blomgren said, “Budget difficulties, scheduling, and the implementation of a mediation program are just a few of the matters to be addressed. I’m sure there will be challenges as well as opportunities.”

He added, “I am looking forward to working with the other chief judges, the Supreme Court, and state court administration to resolve as many problems as possible.

Chief Justice Louis Lavorato said, “The court is pleased to have Chief Judge Blomgren on board. His strong leadership and consensus building skills will be valuable assets as we all struggle to get through tough budget times.”

Chief Judge Blomgren received his undergraduate degree from the University of Iowa in 1969 and his law degree from the University of Virginia in 1972. He began his career as an attorney for the United States Department of Agriculture in 1972. From 1973 until his appointment to the district court bench in 1998, he worked in the private practice of law in Oskaloosa, Iowa.

Judge Blomgren serves on the Supreme Court Advisory Committee on Rules of Civil Procedure and is a member of the Iowa Academy of Trial Lawyers, the American Board of Trial Advocates, and the Iowa Defense Council Association.



Chief Judge James Blomgren

The Chief Justice of the Iowa Supreme Court appoints the Chief Judge of each district, subject to the approval of the entire Supreme Court.

Criminal Update

Continued from page 5

emerging from his apartment, being “secured” with two other individuals being detained, and later being placed in an unmarked police vehicle to conduct further investigation) did not change back to no-custody when his handcuffs were removed when necessary to allow him to sign a consent-to-search form. [2] *Miranda — interrogation versus volunteered statements.* Defendant’s denial of gun ownership was in response to questioning, not volunteered, so as to complete a *Miranda* violation. [3] *Admission of defendant’s statements revealing knowledge of gun*

not harmless. Insufficient evidence existed to demonstrate defendant’s possession of gun (exclusive control over the premises where contraband is found, or contraband found in place immediately and exclusively accessible to accused and subject to his joint or sole dominion or control); erroneous admission of statements regarding ownership was therefore not harmless beyond a reasonable doubt.

[4] *Trial to the court — effect of statement at sentencing on establishment of judgment of acquittal.* Sentencing court’s statement expressing question as to



whether defendant knew how gun ended up in a particular place at the residence, but as to defendant’s knowledge of the existence of the firearm, did not amount to judgment of acquittal (case was tried to the court; because of erroneous ruling on motion to suppress, defendant entitled to new trial but not acquittal).

Public Perception Vs. The National Perspective: Litigation in American State Courts

by Jessica Coppola

Just the other day, I was chatting with a good friend and explaining my growing desire to become a lawyer. Even as a reasonable individual, one who has just finished applying to medical school, he could not comprehend my interest in joining what he deemed a "corrupt" and "slimy" profession. He then proceeded to spout off countless assumptions and preconceived notions about the state court system that he'd acquired (or inherited?) over his short lifespan of 20 years.

His main concern was the increasing prevalence of what he viewed as meaningless, multi-million dollar lawsuits, like the one in which a woman sued MacDonald's over a spilled cup of coffee. He claimed that suits such as this one are becoming the norm, or at least, the aspiration for many. Why, he asked, would I even consider contributing to an entity of society that solely serves to sue everyone else for millions of dollars? And furthermore, he asked, why would I want to devote my life and my time to getting obviously guilty criminals out of jail, to giving juvenile offenders a break, and essentially, to promoting the corruption of our nation's youth?

As I listened to him angrily composing a list of injustices done unto society as a result of these lawyers running wild, I could not help but wonder if many others share his sentiments...or if he was, in fact, correct. Do we really live in an overly litigious society? Are we constantly preoccupied with our liability in any given situation? Are juvenile delinquents out of control? Should we live in fear of violent crime? Are lawyers just wasting everyone's time and money in trial? I knew I was not alone in my bewilderment; I am sure the general public feels relatively the same. Frankly, I'm also sure that in quite a few situations, the public feels just as disgusted as my friend, the pre-med. But

let us examine the state court statistics, and you will see that they prove him wrong. It seems that we, the general public, are sorely mistaken about what actually goes on in American state courts.

Tort Cases

Fortified by a growing and ever-changing economy and a social structure constantly in shift, it seems American people are continually creating new money-making opportunities, and perhaps some of those people are expecting financial achievements through civil litigation. However, that does not mean that all Americans are guilty of "excessive resort to law" to meet their own needs as some might suggest. In fact, according to "Examining the Work of the State Courts, 1999-2000: A National Perspective from the Court Statistics Project," civil caseloads dropped by nearly 500,000 cases in 1999. Such a drop constitutes a break in the recent trend since civil filings in state courts have been on a steady rise for the past four years. This fall hardly describes the "litigation explosion" that the media portrays and the public seems to bemoan.

Tort and contract cases assemble the largest share of nondomestic civil caseloads in the state courts of the United States. According to "Examining the Work of the State Courts, 1999-2000: A National Perspective from the Court Statistics Project," the number of tort filings have shown little change since 1990, while the number of contract filings have fallen about 1% since 1984 in fifteen comparable states. Contrary to public opinion, state courts do not see an increasing number of nondomestic civil cases each year, and as a result, American society does not seem as litigious as one might initially suspect. In fact, tort filing per 100,000 population

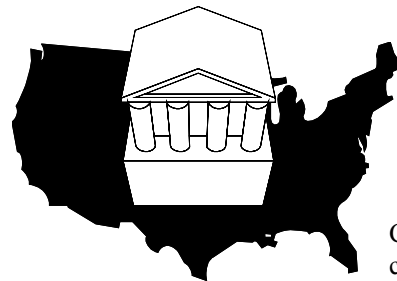
declined in 19 of 29 states examined in the report. In addition, contract filings have declined in 21 of 24 states that the report examines, many by more than 25%.

Furthermore, the report adds that civil trials are quite unusual; most cases are settled outside of the courtroom. The few civil trials that actually take place captivate the public because of seemingly extravagant jury verdicts and the effects that monetary judgments have on the function of American and international business. Indeed, many individuals have made an argument for monetary caps on damages to keep jury awards in check. In effect, proposals to cap damages and check juries may appease the public perception of economic-based partiality in civil cases that inevitably serves as a source of public dissatisfaction and distrust.

Currently, the majority of tort cases in the state courts involve simple automobile accidents not the multi-million dollar product liability or malpractice lawsuits like those few that the media exploits (and that my friend will never forget). In fact, over 4.2 million individuals were injured in car accidents in 1998. However, the trends in accident related injuries and fatalities are currently down despite the number of accidents, and as a result, the number of cases filed has changed very little.

Juvenile Delinquency

According to "Examining the Work of State Courts, 1999-2000: A National Perspective from the Court Statistics Project," child poverty rates are falling, more and more young people are completing high school, and reported drug use among juveniles has decreased. These trends may explain why juvenile case filings have decreased in state courts as



Public Perception

Continued from page 8

well. Unfortunately, the public's perception of juvenile criminal behavior does not correlate with the facts. Hon. J. Dean Lewis, a judge of the Juvenile and Domestic Relations Court for the Fifteenth Judicial District of the state of Virginia,

embellishments and the sensationalism of the media, "try to curtail the court's jurisdiction, restrict discretionary powers, relax its confidentiality, or increase the severity of its sanctioning" despite promising trends.



worries over "the gap between public perception and reality with regard to juvenile crime trends, the juvenile share of overall crime, the proportion of juvenile delinquents to the juvenile population as a whole, and the threat posed by juvenile violence" ("An Evolving Juvenile Court: On the Front Lines with Judge J. Dean Lewis," *Juvenile Justice*, Dec. 1999, Volume VI, Number 2).

For instance, according to "Examining the Work of State Courts, 1999-2000: A National Perspective from the Court Statistics Project," the juvenile arrest rate for violent crime index offenses has dropped by 30%, a statistic that differs greatly from the media's portrayal of today's ever-violent youth. This past year, there were only 370 arrests for every 100,000 persons, ages ten to seventeen, the lowest number in a generation.

According to Judge Lewis, critics of the juvenile court system, fueled by the

In general, juvenile filings in the state courts have decreased by 3% in the period between 1998 and 1999. This breaks up the previously uninterrupted rate of increase since 1984. The majority, 63%, of these case filings involve some kind of delinquent act, or offense considered a crime if committed by an adult. 14% involve status

offenses, "noncriminal misbehaviors" considered illegal only for juveniles, like truancy or runaway youth. Finally, 20% of juvenile filings are child-victim cases in which the court offers protection to children who are allegedly abused and/or neglected. As Judge Lewis suggests, "adult, not juvenile, violence is our nation's number one crime problem"; the decreasing number of juvenile case filings seem to suggest this as well.

Crime

Nevertheless, even adult violence and crime rates prove not to be as exorbitant as the public supposes. After increasing for thirty years, crime rates have dropped throughout the 1990s and into the 21st Century. Despite "growing popular hysteria" concerning adult crime, the national crime rate has decreased by 28% since 1991. Specifically, records of violent crime in the state courts are now at their lowest rates since 1978, and property crime rates are at their lowest since 1973.

Nationally, criminal filings in the state courts and arrests decreased in 1999; the number fell from an all-time high of 14.5 million in 1998 to a significantly lower 14.2 million in 1999. This 2% drop interrupts an almost unbroken period of annual increases in criminal case filings in state courts since 1984. In addition, arrests for violent index crimes dropped by 14% while the number of property index crime arrests dropped by 20% between 1995 and 1999. According to a Washington Post study in 1997, however, media coverage of violent crime, in this case, the coverage of homicide, increased about 721% almost simultaneously (Washington Post, Aug. 12, 1997: D1). The frequency and exaggerated technique of crime reporting continue to inflame public fear and concern despite the downward trends of reported criminal behavior and incidence of violent crime.

Currently, 73% of criminal cases involve felony charges, 12% involve misdemeanors, 10% involve "other" charges, including appeals and miscellaneous cases, and 4% involve Driving While Intoxicated (DWI) cases. Contrary to the public opinion polled and cited in "Examining the Work of State Courts, 1999-2000: A National Perspective from the Court Statistics Project," few of these criminal cases are actually resolved at trial. Only about 3% were resolved in 1999. In fact, guilty pleas make up about 65% of these cases, and one in five cases is resolved when the prosecutor decides not to continue a case (*nolle prosequi*) or when the opposing party drops all charges (*dismissal*).

Prison Population

Crime rates are down for felony offenses, and the steepest drops have been recorded for the number of violent crime

Continued on page 15

Judicial Branch Spotlight

Juvenile Court Veterans



Karolyn Zbornik of the 1st Judicial District, David Hook of the 5th Judicial District, and Kathy Lake of the 6th Judicial District recently celebrated their retirement from service as Juvenile Court Officers. Together, Ms. Zbornik, Mr. Hook and Ms. Lake served the courts for over 90 years.

Wellness Program “Wanna Be a Millionaire”



Judicial Branch employees were encouraged to participate in the state's Wellness program, “Wanna Be a Millionaire?” earlier this summer. After receiving and completing eight weeks worth of financial worksheets, 93 employees were rewarded with a prize apron. Woodbury County had the best representation for this program. Court of Appeals employees trying on their aprons are: (left to right): Deborah Svec-Carstens, law clerk; Diane Paine, secretary; Sharon Hanson, secretary; Dan Marvin, staff attorney; Sara Cooper, judicial clerk; and Janet Sandberg, secretary.

Law Clerk Sings at Carnegie Hall

Deborah Svec-Carstens, a law clerk for Judge Robert Mahan in the Court of Appeals, recently sang at Carnegie Hall with her choir, the Des Moines Choral Society, on June 17th, 2001.

Ms. Svec-Carstens grew up in Boone, Iowa where she began singing in high school. After high school she went to Luther College where she participated in the Luther College Nordic Choir. With this choir she traveled extensively, touring on both coasts of the United States and performing abroad in Russia, Poland, and Czechoslovakia. From Luther College, Ms. Svec-Carstens attended the University of Iowa College of Law, and after moving to Des Moines from Iowa City a year ago, Ms. Svec-Carstens joined the Des Moines Choral Society.

This year, MidAmerica Productions selected the Des Moines Choral Society's director, Janet Davis to guest conduct at Carnegie Hall. Ms. Davis chose the two choirs that she directs, the Des Moines Choral Society and the Plymouth Chancel

Choir, to perform in the celebrated music hall. Together the choirs performed Mendelssohn's "Weinacten" from *Sechs Spruche*, Schutz's "Psalm 100," Stravinsky's "Symphony of Psalms," and Sametz's "I Have Had Singing".

"We rehearsed in Carnegie Hall with the orchestra the morning of our performance," Ms. Svec-Carstens explained.

"Unfortunately, we were not allowed to explore the hall—the staff kept a pretty tight rein on us as we waited to start our rehearsal. Also, we were not allowed to take pictures inside the hall, as it is a 'copyrighted' space. But,

it was an amazing experience overall, especially when I stopped to think about all the great musicians who have

performed on the stage at Carnegie over the years."

Ms. Svec-Carstens currently clerks for Judge Robert Mahan in the Court of Appeals, but in August she will begin to clerk for Chief



Justice Louis Lavorato in the Iowa Supreme Court. Previously, she had worked as a law clerk in the 7th Judicial District of Iowa, in Davenport.

Iowa Judges Association Officers



Judge Donna Paulsen, new president of Judges Association and Judge Dale Ruigh, outgoing president

Ferguson Elected President of Juvenile Court Services Association

Steve Ferguson of Grundy County was elected president of the Iowa Juvenile Court Services Association at the juvenile court officer conference in May. Ferguson says that as president he wants juvenile court officers to “see themselves and be seen by others, particularly legislators, as great resources and sounding boards, when it comes to law, policy and programs for juveniles.” “To policymakers I say, it doesn’t hurt to ask, and to fellow juvenile court officers [I say], give a nickel’s worth – it adds up,” said Ferguson.

Ferguson has served as a juvenile court officer for 21 years. He served on the Association’s executive board for nearly 10 years. Ferguson hopes to motivate his colleagues to work for change. “If there’s something wrong like a policy or law, let’s not ignore it or work around it, let’s work together to change it and make it work right.”



Steve Ferguson

Changes to Court Rules, January-June 2001

Court Rules, Rule 118.7- *Hearing before Grievance Commission* (Effective 5-23-01)

Adds a provision under allowed principles of issue preclusion in an attorney discipline case. Either party may use principles of issue preclusion if the issue has been resolved in a final civil judgment, or in a criminal proceeding that resulted in a finding of guilt.

Board of Examiners of Shorthand Reporters, Rules 5 & 8- *Shorthand examination & continuing education requirements* (Effective 5-23-01)

Adds computer to items that may be provided for use in transcription during the shorthand examination. Language now indicates that a computer or typewriter will be provided unless the applicant is otherwise notified. Changes in Rule 8 relate to inactive practitioners who desire to be reinstated. Provides for an application fee and adds additional requirements of evidence to be provided in the application.

Court Rules, Rule 118A.3, *Limited Real Estate Practice* (Effective 5-23-01)

This rule authorizes non-lawyers to prepare and complete certain legal documents in small real estate transactions. Non-lawyers who are not acting on their own behalf as buyers or sellers may prepare the following: 1) Purchase offers or purchase agreements; 2) Groundwater hazard statements; and 3) Declaration of value forms.

Grievance Commission, Rule 6, *Notice of Complaint* (Effective 2-19-01)

Increases the amount of time allowed to respond to a complaint from 15 days to 20. Changes the notice of complaint form to reflect this. Additionally, the form has been updated to reflect the change of century.

Supreme Court Rules, Rule 8, *Participation in and publication of opinions* (Effective 7-1-01)

Removes the stipulation that the Iowa Bar

Association can perform the photocopying and distribution of Supreme Court and Court of Appeals opinions as the authorized agent of the Supreme Court Clerk.

Appellate Procedure, Rule 14(e), *References in briefs to legal authorities* (Effective 1-11-01)

Updates citing to reflect the turn of the century. Also, defines “unpublished” opinions.

Grievance Commission, Rule 7, *Answer to Complaint* (Effective 1-5-01)

Allows Grievance Commission to grant an extension of time in filing an answer. Also, changes procedural assumption if no answer is filed during the specified time.

Criminal Procedure, Rule 53, *Forfeiture of collateral in lieu of appearance* (Effective 1-5-01)

Allows the clerk of the district court to enter a judgment of forfeiture of collateral in satisfaction of judgment and sentence.

Judicial Branch Spotlight

Story County Clerks Office



The Story County Clerk of Court office operates in two cities, Ames and Nevada. The Nevada office handles indictable misdemeanors, and felony cases. They also are responsible for dissolution cases, jury and bookkeeping functions.

The Nevada office is pictured on the left: (from left to right, back row) **Linda Snavelly**, Judicial Clerk I; **Cindy McLain**, Judicial Clerk III; **Peggy Longnecker**, Judicial Clerk II; **Janet Baldus**, Trial Court Supervisor.

(front row) **Karyn Davis**, Judicial Clerk III; **Diane Tott**, Clerk of Court; **Rita Thompson**, Judicial Clerk III; **Dorian Myhre**, Judicial Clerk III.

Absent: **Jon Schrum**, Judicial Clerk I; **Shannon Hurd**, Judicial Clerk II; **Kathe Ketelsen**, Judicial Clerk I.

The Ames office manages small claims, simple misdemeanors, juvenile, traffic and mental/substance abuse cases.

The Ames office is pictured on the right: (from left to right, back row) **Cindy LeGarde**, Judicial Clerk II; **Mary Skahill**, Trial Court Supervisor; **Teri Jensen**, Judicial Clerk II.

(front row) **Kristy Buchman**, Judicial Clerk II; **Melinda Dutcher**, Judicial Clerk II.

Absent: **Diane Litchfield**, Judicial Clerk II.



Diabetes

Continued from page 2

Diabetes Education Program Chair. The more *inactive* you are the greater your risk. Exercise uses up glucose, controls your weight, improves circulation, makes cells more sensitive to insulin, and builds muscle where glucose is absorbed. After you've exercised, get your rest because lack of *sleep* can contribute to your chances of getting diabetes. A study done by the University of Chicago showed that healthy adults who averaged 5.2 hours of sleep over 8 consecutive nights secreted 50% more insulin than those getting 8 hours. Researchers believe that this plays a significant role in current diabetes epidemic. Past the *age* of 45 people tend to exercise less, gain weight, and lose muscle. For unknown reasons, some *races*, Hispanics, blacks, and American Indians have more than double the percentage of those with diabetes (about 12%). The rate among Pima Indians is alarming (1 of every 2 adults). One to two percent of diagnosed cases are caused by illnesses or medications that interfere with insulin action. These include: removal of the pancreas, adrenal gland disorders, malnutrition, and drugs such as prednisone.

Symptoms? Type 2 diabetes develops slowly and may take as long as eight years to diagnose. Symptoms may vary, but two related symptoms are (1) increased thirst, and

resultant (2) frequent urination. Other symptoms are: fatigue, weakness, and loss of or increased appetite, weight gain or loss, persistent blurred vision, sores that don't heal or frequent unexplained skin infections, frequent vaginal infections, difficulty with erections; nerve damage, persistent tingling or numbness in hands or feet, and sore gums.

Treatment: Diet, exercise, and medications controlling blood sugar will all help you live a longer, healthier life. Make a commitment



to managing your diabetes by monitoring your blood sugar. This can be overwhelming at first, but learning to measure blood sugar and understanding the importance of this to your health will help you feel in control. The typical target glucose range before meals may be 80 to 120 mg/dL and below 180 mg/dL after eating. For the more mature adult a fasting goal may be 100 to 140 mg/dL and

after eating 200 mg/dL because blood sugar falling too low in the elderly is more dangerous. If you take insulin, you should test your blood sugar at least twice daily. Monitoring it helps you know your own body better for better control. There are several factors that affect your blood sugar—food, exercise, medications, illness, alcohol, and fluctuating hormones. Do the following to keep your blood sugar under control: Get a physical and eye exam annually, get to the dentist regularly, get vaccinated for flu, pneumonia, and hepatitis B, take good care of your feet, don't smoke or drink alcohol, take aspirin daily, watch your blood pressure, exercise, eat healthfully, maintain a healthy weight, and find a way to manage your stress. These are good tips for all of us, but extremely important for the diabetic.

I did not hit on medications and the particulars for insulin management because I believe that's between you and your doctor, with whom you should keep in close touch. There are new and interesting scientific developments each year. By staying in touch with your doctor you enhance the quality of your life with this disease.

Sources: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, National Library of Medicine, Mayo Clinic, *Prevention* magazine, *Mayo Clinic Health Letter*, *Healthwise Handbook: A Self-Care Manual For You* (13th ed.1997).

Richardson Receives National Award

The National Conference of Appellate Court Clerks presented its annual J.O. Sentell Award to Keith Richardson, Clerk of the Iowa Supreme Court. The award was presented at the annual conference held this year in Newport Beach, California in early August.

The J.O. Sentell Award is given to recognize distinguished service by a member of the National Conference of Appellate Court Clerks. In receiving the award, Keith was recognized as "always being willing to step forward and serve in whatever capacity was needed. With his competent organizational skills he has served the Conference in many ways, as Treasurer, as host of the 1996 conference, and president for 1997-98 as well as serving on various committees."



Keith Richardson, Clerk of the Iowa Supreme Court

Public Perception Vs. National Perspective

Continued from page 9

filings in the state courts. However, approximately, 6.2 million people were under U.S. correctional control in 1999. The largest numbers of these individuals were probation cases. Additionally, the number of persons in prison has increased rapidly since 1980 (about +256%). In fact, the prison population reached a record high number of 1,137,544 in 1999, and the number of persons on parole has grown simultaneously since 1992. However, to dispute another common assumption, this augmentation of the prison population is not a direct result of growing crime; instead, it results from a mounting reliance on structured sentencing reforms. Fueled by the media, the public has demanded harsher, more definite punishment and a mandatory prison time in order to detain current criminals and to deter potential offenders. In other words, the instatement of these reforms has resulted in more people in jail for a longer period of time.

Appellate Courts

Appellate filings in the state courts, especially criminal appellate filings, have increased greatly over the second half of the 20th Century, according to the report. They have increased so significantly that many states have instituted Intermediate Appellate Courts (IACs) to help balance the load. Mandatory appeals in the IACs constitute the largest share of state appellate caseloads. However, criminal and civil cases account for about 8 out of 10 appeals filed, and criminal appeals are rapidly demanding a greater focus from the state courts. This is occurring, in part, because criminal appeals increase at faster rates than other kinds of appeals. Furthermore, this fast rate of growth results from the current escalation of the number of felony filings compared to the number of civil filings at the district court level. Naturally, criminal appellate numbers vary greatly from state to state. Iowa, for

example, has seen a 68% increase in the number of criminal appeals from 1990 to 1999 and only a 6% increase in civil appeals. This differs significantly from, for example, Michigan's 77% decrease in the number of criminal appellate filings and 14% drop in civil appellate filings according to the report.

In general, the status quo in American state courts does not correlate with the media's sensationalized portrayal of an increasingly violent, greedy and litigious society. Furthermore, recent statistics do not necessarily justify a great deal of public opinion or assumption. And basically, all of this leads me to conclude that yes, I still want to be a lawyer.

Jessica Coppola, Des Moines, served as a summer intern at the Iowa Supreme Court. Jessica is beginning her junior year at Northwestern University. She plans to attend law school after graduating from Northwestern.

Expediting Permanency through Community Decision-Making

by Gail Barber



The Iowa Court Improvement Project, a program of the Judicial Branch of Iowa, was awarded a three-year, \$600,000 Adoptions Opportunity Grant from the U.S. Department of Health and Human Services. Kathy Thompson, MSW, was hired in December to serve as grant coordinator for this special grant.

The project will run from October 1, 2000 through September 30, 2003.

The objectives of the Expediting Permanency through Community Decision-Making project are:

1) Implement and institutionalize successful alternative dispute resolution methods used to achieve timely and effective permanency for children involved in child

welfare. These options may be offered from preadjudication through post adoption, with each community developing their own continuum of choices and referral process.

2) Develop and implement non-adversarial options of dispute resolution that are culturally appropriate to the Native American population for children and families who are involved in the child welfare system.

The Court Improvement Project is working in collaboration with CASA (Court Appointed Special Advocates), and the Iowa Department of Human Services. The four pilot sites that are now in the planning process and their community team leaders are: Cerro Gordo County, Judge Gerald Magee; Polk County, Judge Connie

Cohen; Pottawattamie County, Judge Kathleen Kilnoski; and Woodbury County, Judge Brian Michaelson. Tama County, with Judge Susan Flaherty taking the lead will start their planning process later in the grant period.

Community collaborative teams in each pilot site will adapt alternative dispute resolution methods to 1) assist families in maintaining their children in their homes, 2) facilitate the return home, or 3) establish permanency for children in an alternative placement. Community teams are comprised of juvenile court, the Department of Human Services, CASA, attorneys, the school system, the faith community, private agencies, foster/adoptive parents, and substance abuse treatment agencies.

Two of the five sites, each with large Native American populations, have been identified to develop a permanency service system that utilizes culturally sensitive methods of alternative dispute resolution for establishing permanency. The service delivery system will be supported to offer the adaptations of dependency mediation, Family Team Decision-Making, and permanency planning for teens, through technical assistance, training, and subsidized funding.

The University of Iowa, National Resource Center on Family Centered Practice, will be conducting an independent evaluation, which will provide information for further decision-making and recommendations regarding the use of the alternative dispute resolution options in establishing permanency for children and meeting ASFA requirements.

For further information, please contact: Gail Barber, Project Director, or Kathy Thompson, Project Coordinator, Iowa Court Improvement Project, (515) 281-6209.

Proposed Appellate Rules In Termination of Parental Rights Cases

by Gail Barber

The Iowa Supreme Court Select Committee to Review State Court Practices in Child Welfare Matters (Iowa Court Improvement Project) has asked the court to amend the Iowa Rules of Appellate Procedure and the Iowa Rules of Juvenile Procedure in order to expedite the prosecution of appeals in Iowa Code chapter 232 termination cases. Specifically, the amendments would apply to appeals from juvenile court orders terminating the parent-child relationship or dismissing a petition to terminate the parent-child relationship pursuant to Iowa Code section 232.117 (2001).

The proposed amendments are in response to federal legislation known as the "Adoption and Safe Families Act of 1997," Pub. L. No. 105-89, and related amendments to the Iowa Code. The federal and state legislation acknowledge that children who are the subject of termination proceedings often languish too long in foster care. The Court Improvement Project recommended the process of appellate review in such cases be modified to further the objective of obtaining permanency.

The Ad Hoc Task Force on Expedited Appeals, a work group of the Iowa Court Improvement Project, drafted the outline of the new rules. The task force working on these rules included judges from the court of appeals, trial court judges, county attorneys, attorneys primarily representing children in juvenile court and attorneys primarily representing parents in juvenile court. The task force membership was selected with a goal of all participants in a typical juvenile court termination of parental rights case having some voice in development of the rules.

The proposed rules are designed to significantly reduce the time necessary to complete an appeal following a termination of parental rights ruling. Currently, the general timeline in a termination of parental rights case between the notice of appeal and the final procedendo is nine to twelve months. It is anticipated that implementation of the rules may reduce current appeal time by as much as one-half.

The changes in appellate rules for termination of parental rights cases are briefly summarized below:

- Notice of appeal must be filed by trial counsel within 15 days of the final ruling or post-trial motion; the notice of appeal must be signed by counsel and the client.
- Within 15 days of filing the notice of appeal, the appellant must file a Petition on Appeal. The Petition on Appeal may be up to 15 pages in length. The Petition on Appeal should set forth the important facts, the legal issues and supporting legal precedent. The Petition on Appeal is filed with the Clerk of the Iowa Supreme Court.
- The Petition on Appeal must be filed by the appellant's trial counsel unless trial counsel presents to the trial court extraordinary circumstances warranting the appointment of new counsel.

- Failure of the appellant to timely file a notice of appeal or Petition on Appeal will result in dismissal of the appeal.
- Within 15 days of the filing of the Petition on Appeal, any appellee may file a response to the Petition on Appeal. The response may also be up to 15 pages in length.
- The record for review by the appellate court shall also include the trial transcript, the termination of parental rights court files and any of the child in need of assistance court files received into evidence or judicially noticed at the time of trial.
- After receiving the Petition on Appeal, any response and the record for review, the appellate court may affirm the trial court, reverse the trial court or set the case for full briefing.

The proposed rules and forms are available on the judicial branch website www.judicial.state.ia.us/orders/orders/. If the proposed amendments are adopted the court intends to seek legislative approval to implement the rules effective January 1, 2002.



Angels in Adoption Award



Judge Terry Huitink, Court of Appeals, and Judge Stephen C. Clarke, District Judge, First Judicial District, have been selected as two of the 121 Angels in Adoption to be honored by the Congressional Coalition on Adoption. There will be events celebrating national adoption efforts on September 10-11, 2001 in Washington, D.C., concluding with a dinner recognizing the honorees. The "Angels in Adoption" recognition is sponsored by the Freddie Mac Foundation as part of their commitment to find permanent homes for foster children.

As a member of the Congressional Coalition on Adoption, Senator Charles Grassley made the nomination of Judge Huitink and Judge Clarke because of their commitment and leadership as co-chairs of the Iowa Supreme Court Select Committee – To Review State Court Practices in Child Welfare Matters (the Iowa Court Improvement Project).

The coalition is a bicameral, non-partisan alliance of 160 members of Congress dedicated to improving adoption policy and practice. The coalition invited all Members of Congress to participate in a campaign to recognize the unsung heroes who make a difference for needy children across the nation.

In 1996, the Iowa Supreme Court was awarded a grant from the Department of Health and Human Services to review the court role in the permanency process. Judge Huitink and Judge Clarke were appointed as co-chairs, and have served the Court Improvement Project Oversight Committee since the beginning of the project. Under their leadership, the committee has confidently moved forward in identifying barriers and making recommendations to establish a timely and effective permanency process for children.

In his nomination, Senator Grassley recognized their leadership in the many accomplishments of the Court Improvement Project. The accomplishments include: legislative changes to establish uniform guidelines for attorneys representing children, support of two Court Appointed Special Advocates (CASA) Native American Specialists to assist children and families who are affected by the Indian Child Welfare Act, development and presentation of an annual educational program for attorneys serving in Juvenile Court, development of an educational program for judges to be presented in each judicial district of the state, and completion of a set of recommendations to revise the appeal process of termination of parental rights cases.

With the commitment and leadership of Judges Clarke and Huitink, Iowa is one of only a few states that have included the appellate process in their review of the court system. After a thorough review, it became apparent that the appeal process drastically delays permanency for children. This review resulted in recommendations that, if implemented, will dramatically reduce the time that children must wait for permanency, yet not jeopardize the rights of any of the participants.

Judge Clarke, commenting on the honor, said: "We appreciate the unique opportunity given us by the Supreme Court to serve the judicial branch and Iowa's families and children through this project. We accept this honor on behalf of the dedicated members of the Oversight Committee and project staff. We are grateful to Senator Grassley both for his leadership on these important issues and for his choosing to recognize the work and accomplishments of Iowa's Court Improvement Project."